

FOR MYSORE STATE

006-4-11-49.

Home (1954) Department.

MS SERIES..

G.O. NO.

2716

Dated

8-9-1954

Passed

[Signature]

[Signature]

[Despatch Abstract.]

Public Services - Prosecuting Staff
South Kanara Dt - Case Relating
to Cr. No 55/53 of Mangalore North
Police Station - one temporary A. P. P.
and one sanctioned -

Government of Madras

Abstract

COURTS - Criminal - South Kanara District - Crime No. 59/55 of Mangalore North Station - Trial of the case - Appointment of a special second class Magistrate with staff - Sanctioned.

HOME DEPARTMENT

G.O.Ms. No. 2365

Dated 7th August, 1954

READ the following:-

From the Inspector-General of Police, No. No. 2188/CI/54 dated 15.6.1954 and No. No. 3148/CI/54 dated 31.7.1954
From the High Court, No. No. 3183/54-S.2, dated 2.8.1954

ORDER:

The Government sanction the employment for a period of three months from the date of appointment or till the need ceases, whichever is earlier, of the following staff in the South Kanara District, in connection with the trial of case Cr. No. 59/55 of Mangalore North Station:-

- (1) One Sub Magistrate (Judicial)
- (2) One lower division clerk
- (3) One attendant and
- (4) two peons.

2. The expenditure should be debited to the relevant sub-heads of appropriation under "27. Administration of Justice - b. Criminal Courts."

(By order of the Governor of Madras)

J. Subbasastry,
Deputy Secretary to Government

To

The Registrar, High Court, Madras (with covering letter)
The District Magistrate (Judicial) South Kanara through the Registrar, High Court

The Accountant General, Madras through the Finance Department
The Inspector-General of Police, Madras

Copy to the Board of Revenue

Copy to Courts I Section (with enclosures)

True Copy/Forwarded/By order

MS.9.8.

K. J. Subbasastry
SECRETARY
83
9.8.

Copy of the letter Ro.No.21587/C/54 dated the 15th June 1954 from Sri V.R.Rajaratnam, Inspector-General of Police, Madras 4. addressed to the Secretary to the Government of Madras, Home Department.

Sub: Criminal Justice- Mangalore North Station Cr. No. 59/53
Section 120 B read with Section 409 IPC Section 409,
467 and 471 I.P.C- appointment of a Special Magistrate
and a special Public Prosecutor for trial of the case-
requested.

I send herewith a copy of report R.C.No. C/7315/54 dated 13.5.54 from the District Superintendent of Police, South Kanara and a copy of endorsement C.No.2127 Genl/54 dated the 4th August 1954 of the Deputy Inspector General of Police, Western Range Thereon. In the circumstances stated in paragraph 5 of his report, the District Superintendent of Police has requested the appointment of a Special Second Class Magistrate and a Special Assistant Public Prosecutor II for a period of 3 months or until the trial of the case is over, whichever is earlier. The District Superintendent of Police has discussed the matter with the District Magistrate, South Kanara and that he (District Magistrate) is agreeable for the appointment of a Special IInd class Magistrate and a special Assistant Public Prosecutor II. I consider that the appointment of a special ~~IInd~~ class Magistrate and a Special Assistant Public Prosecutor II is necessary to try this case. I therefore request the Government to appoint a special IInd Class Magistrate and a special Assistant Public Prosecutor II for a period of 3 months or until the trial of the case is over, whichever is earlier.

xx xx xx xx
Copy of letter R.C.No. C/7315/54 dated 13.5.54 from the District Superintendent of Police, South Kanara to the Inspector-General of Police, Madras.

Sub: Criminal Justice- Mangalore North Station Crime No.59/53
section 120-B read with section 409 I.P.C. Section 409
I.P.C., 467 for trial and Section 471 I.P.C- Appointment
of a special Magistrate for trial for the case and also
a special Public Prosecutor- report- forwarded.

A case of misappropriation of the funds of the Mogaveera Cooperative society detected during the enquiry under section 38 of the M.C.S. Act by the Cooperative Sub Registrar working under the Assistant Director of Fisheries, Mangalore was handed over to the Police on 24-3-53.

2. This case was registered as Crime No. 59/53 of Mangalore North Station and investigated. It was disclosed during investigation that a sum of Rs 12,450/- of the Society was misappropriated by the President, one Sri K.N.Putran(A1) and the two clerks of the Society viz. Kumari Savithri(A2) and K. Ammana Bangera(A3) Ex Secretary one Narayana Salian (A4) and one Laxmana Suvarna (A5) a director and an ex-officio treasurer of the Society-(Regd. No. L . 455). These accused committed criminal breach of trust in respect of the monies belonging to the Society held by A1 as President and Treasurer of the Society in trust for the society and thus A1 to A5 engaged themselves in a criminal conspiracy and committed an offence u/s 120-B I.P.C read with Section 409 I.P.C. and 109 I.P.C.

3. The facts of the case are, the President Sri K.N. Putran was in charge of the cash of the society and he issued loans to the members. The clerks A 1 and A2 wrote up the accounts when loans were sanctioned and the issued and the resolutions were written up in the minute book, themselves and prepared the loan applications, bonds and receipts for the amounts disbursed. Each loan has three parties i.e., the principal borrower and two other sureties. During enquiry u/s 38 M.C.S. Act the parties in 38 loan aggregating Rs 12,450/- denied all knowledge of the amount alleged to have been borrowed by them. The thumb impressions, and signatures found in the loan applications, bonds and receipts were found to be bogus. Both the clerks A2 and A3 had admitted that they had put their own thumb impressions in a few bonds and brought up forged documents under the instructions from the President (K.N. Putran A1). The other directors numbering five, deposed that no meetings were actually held but the President used to get their signatures and thumb impressions whenever they visited the society. They even denied some of the signatures and thumb impressions above the proceedings sanctioning these bogus loans.

4. The President (A1) had given written statement before the Sub-Registry saying that a sum of Rs 11,075/- in 37 loans has been utilised by him and that he would make good the amount but whenever paid it. When Police took up investigation, this arch accused absconded and he was arrested by Manalor Police from Bombay on 30.11.53. The loan applications, the bonds, and the debit slips which were forged by A1 to A5 for drawing the money together with the specimen thumb impression of the accused were sent to the Fingerprint Bureau, Vellore for comparison and the forgery has been clearly established.

5. The final charge sheet was laid in this case on 9.4.4. There are about 83 P.Ws cited in the charge sheet. There are nearly exhibits to be filed on behalf of the prosecution. There is a charge of criminal conspiracy against all the 5 accused in this case. The amount involved in this case is a public money to the tune of Rs 12,450/-. Intelligent and careful handling of the case is absolutely necessary in the best interests of the case. The S.S.M. Mangalore may not be able to proceed with the case day-to-day as he has other cases on the file. The exhibits are likely to be examined with other records in the S.S.M's Court.

6. Under the circumstances explained herein a special Court and Special Prosecutor may be quite essential for the speedy enquiry and disposal of this case. I therefore request you to kindly move the Government for the appointment of a special II Class Magistrate and a special A.P.P.II for a period of 3 months or until the trial of this case is over whichever is earlier.

C.No.2127/Genl#54 dated the 4th June 1954.

Forwarded to the Inspector-General of Police, Madras.

2. Though the District Magistrate has not offered any remarks, the D.S.P's letter -copy of which is enclosed indicates his concurrence.

I recommended that the Government be moved for the appointment of a Special II Class Magistrate and a Special A.P.P.II for this case.

Sd.

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Copy of the Board's Reference No. C .No.4442/54-1 dated the 26th June 1954.

Sub: Courts- Criminal- (South Kanara)- Mangalore North Station- Crime No. 59/53 - Trial of the case- Appointment of a Special II Class Magistrate and A .P. II- Proposals.

Sri. T.N.S. Raghavan, I.C.S., Commissioner of Land Revenue, & F.P. Sri P .Sivasankaran Pillai I.A.S Secretary to Board of Revenue.

Ref: Government Endt. No. 83152 CTS.II/54-1 Home, dated the 18th June 1954.

Reference:

The Board agrees with the Inspector-General of Police and recommends the appointment of a Special II Class Magistrate and One A.P. . II for the trial of the case in Mangalore North Station Crime No. 59/53, for a period of 3 months or till the trial of the case is over, whichever is earlier.

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Copy of the letter from the Inspector General of Police, Madras 4 addressed to the Secretary to the Government of Madras, Home Department;

Sub: Criminal Justice- Mulky ~~Station~~ Station Cr. No. 120/50 under section- 120-B, 302 and 201 I.P.C- Accused A.J.P Peris and others- Hostile approver- Appointment of Special Magistrate and Special Public Prosecutor- Requested.

Ref: 6 My letter Rc.No.2158/C1/54, dated the 15th June 1954.

deh I enclose for the information of the Government copies of reports No. C1 1729/51, dated 25th June 1954 from the Superintendent of Police Crime Branch, C.I.D., Madras and No. M.L.Dis. 4388/54 dated the 14th July 1954 from the Additional District Magistrate(J) South Kanara on the above subject. Both of them are of the opinion that the case against Albert Petro, now on the file of the Stationary Sub Magistrate, Mangalore, should be tried by a Special Magistrate, and I agree with them.

2. In this connection, I invite the attention of the Government to my letter Rc.No. 2158/C1/54, dated the 15th June 1954 in which, I have requested the Government for the appointment of a Special Second Class Magistrate and a Special Assistant Public Prosecutor II for a period of 3 months to try the case in Cr. No. 59/53 under section 120-B read with Section 409 I.P.C. of Mangalore North Station.

I request that this Special Court to be sanctioned for the trial of the case in Criminal No. 59/53 may also be empowered to try the case against Albert Petro and the same Assistant Public Prosecutor asked to conduct this case.

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Copy of the Letter C.I. 1729/51, dated 25.6.1954 from the Superintendent of Police, Crime and X Branch, C.I.D., Madras to the Inspector-General of Police, Madras.

Sub: Criminal Justice- Mulky station Cr.No.120/50 under section 120-B, 302 and 201 I.P.C- Accused A.J. Peris and other- Hostile approver- appointment of Special Magistrate and Special Prosecutor- Requested.

Three of the accused in the above case have been sentenced to death and the sentences have been upheld by the Supreme Court of India. The mercy petitions filed by the accused have also been rejected by the State Government.

-4-

They were forwarded to the Union Government without any recommendations.

2. The fourth accused Albert Petro, who first turned to be an approver and later turned hostile, is now charged for the same offences before the Stationary Sub-Magistrate, Mangalore, in R.C. 10 of 1952.

3. The case is a very complicated and sensational one with a large volume of circumstantial evidence and scientific details. As many as 80 Prosecution witnesses from all parts of India are to be examined in the Preliminary enquiry. The Public Prosecutor has to study the whole set of evidence carefully and understand the scientific details which are of utmost importance and present them all to the Court in a lucid manner. If the case is to be conducted before a Stationary Sub-Magistrate's Court in the ordinary way it will take not less than six months for the completion of the ~~xxx~~ enquiry. Further the execution of the accused in the main case mentioned above is stayed till the disposal of this case as they are all cited as defence witnesses.

4. I, therefore request that the State Government may please be moved through the District Magistrate for the sanction of a special Magistrate with Second Class powers and a Special Assistant Public Prosecutor of Grade I to conduct the prosecution for a period of three months to enable a speedy disposal of the case.

5. In this connection, I would like to mention that the District Superintendent of Police, South Kanara, has requested the Government for a similar sanction to try one of his cases, If feasible the same Magistrate and the Assistant Public Prosecutor may be empowered to take up this ~~xxx~~ enquiry well.

Letter No. M.L.Dis. 4388/54, dated 14-7-54 from the Additional District Magistrate(I) south Kanara to the Inspector-General of Police, Madras.

Sub: Criminal Justice: Mulky Station crime No. 120/50 under section 120 B, 302 and 201 P.P.C- Accused A. J. Peris and others- Hostiles approver Albert Petro- appointment of special magistrate and special prosecutor.

Ref: 1. Your Rc.No.3148/C1/54 dated 8-7-54.
2. G.O.Ms.No.3180, Home, dated 9-8-1951.
3. G.O.Ms.No.4714, Home, dated 7.12.1951.

R.C.No.10/52 on the file of the Stationary Sub Magistrate Mangalore is a case against accused Albert Petro Hostile approver in Rc.No.1/51 for an offence under section 120 B, 302 and 201 IPC. A special court consisting of one Sub-Magistrate one L.D.C. one attender and two peons was sanctioned by the Government for a total period of three months for the conduct of preliminary enquiry in crime No. 120/50 against the three accused. The Assistant Public Prosecutor of Grade II was also appointed to conduct Prosecution in the Criminal Court. This special Court functioned for a period of 3 months.

2. As the facts in the present case are identical and the number of witnesses, material objects and exhibits will be more or less same, I am of opinion that the Sub Magistrate, Mangalore may not be in a position to conduct the enquiry from day to day in the midst of ~~xxxxxxxxxxxxxxxx~~ his other cases. Besides the three accused who were condemned to death are also cited as defence witnesses in the present case and the Government have permitted them to appear before the court of enquiry and their execution is also stayed till the disposal of this case. In these circumstances the case has to be disposed of expeditiously; A special court is therefore necessary to try the case as was done previously.

I therefore request you to move ~~the same~~ to the Government to sanction a Special court consisting of one stationary Sub-Magistrate, one L.D.C. one attender and 2 peons and an A.P.P.II for a period of three months.

3. With reference to the last paragraph of the letter of the Superintendent of Police Crime and X Branch, C.I.D, Madras I invite your attention to my ~~xxx~~ endorsement Reference C.No. 2955/54 C2, dated the 28th May 1954 wherein the proposals of the D.S.P. South Kanara for constituting a special court for the trial of the case in crime No. 59/53 of the Mangalore North Station was forwarded to you. If there are any prospects of a court being sanctioned, I have no objection to lay on the case against Albert Petro to that court. If there is no likelihood of a special court being sanctioned on the report of the D.S.P. South Kanara I recommend that a special Court and an A.P.P. II may be proposed for the conduct of enquiries in this case referred to by the Superintendent, C.I.B., Madras.

Copy of the letter Reference No. 83152/CtsII/54-3 dated the 2nd August 1954 addressed to the Registrar, High Court, Madras.

Sub: Criminal Justice- Mangalore North Station Cr.No.59/53 and Mulky Station Cr.No.120/53- Section 120-B- Appointment of a Special Magistrate for the trial of the cases.

Ref: Board's Reference No. 4442/54-1 dated the 26th June 1954 addressed to Government through the High Court.

I am to forward a copy of the letter from the Inspector General of Police, R.C.No.3148/C1/54 dated the 31st July 1954 together with its enclosures on the above subject for very urgent remarks. In this connection, I am to invite your attention to the Board's reference cited and to enquire when the recommendation of the High Court on the constitution of a special Court may be expected.

Copy of the Letter Roc.No. 5183/54.E2. from the Registrar High Court, Madras addressed to the Secretary to Government, Home Department, Fort St. George, Madras dated the 2nd August 1954).

Sub: Courts- Criminal-South Kanara District- Trial of Crime No. 59/53 of the Mangalore North Station- Appointment of a special second Class Magistrate and staff at Mangalore- Proposals- Recommended.

Ref: 1. Letter Ref.C.No. 4442/54-1 dated 26-6-54. from the Board of Revenue, Madras.
2. High Court's R.Co.CNo. 5983/54.E. 2 dated 4-7-54 to the Government.
3. Home Department's endorsement No. 83152 Cts II/54-2 dated the 8th July 1954.

I am to forward a copy of letter L.Dis.C.No.22/54 dated the 20th July 1954 from the District Magistrate (Judicial) South Kanara on the subject cited and to state that the Hon'ble the Judges recommend the proposal of the District Magistrate contained therein. The extra cost involved in this proposal will be met from the appropriation under "27.h. Criminal Courts

Copy of letter L.Dis.C.No. 22/54 dated the 20th July 1954 from the District Magistrate(Judicial), South Kanara to the Registrar High Court, Madras.

Ref: Roc.No. 5183/54.E.2 dated the 13th July 1954.

The charge in this case is one under section 120 B. and read with sections 409 and ~~xx~~ 109 I.P.C., and such cases are generally complicated ones. Moreover there are about 83 PWs and that there may be about 200 exhibits to be filed on behalf of the prosecution. The case relates to the jurisdiction of the Sub Magistrate(Judicial), Mangalore, whose file is sufficiently heavy at present. He cannot without detriment to the trial of other cases in his court, attend to this case. Further this case is one in which day to day enquiry will be the most suitable arrangement since there are a number of witnesses and exhibits.

2. I therefore think that it is highly expedient to have a separate court to try this case. I agree with the District Superintendent of Police, South Kanara that a special II Class Magistrate sitting at Mangalore may be appointed to try this case.

3. The following staff may be required for the special Magistrate's Court, apart from a special Assistant Public Prosecutor II, for a period of about 3 months.

- (a) One Sub Magistrates(JudII) on a scale of Rs 200-10-300.
- (b) One lower division clerk on a scale of Rs 45-3-60-2-90.
- (c) One attender on a scale of Rs 24-1-32-1A-35.
- (d) Two peons on a scale of Rs 18-1-25.

4. The special staff may be sanctioned for three months or until the necessity ceases, whichever is earlier.

5. The special Court may be ordered to be held in the Court hall of the Tahsildar of Mangalore taluk and a room in Assistant Public Prosecutor's (I) office may be made available for the staff of the special magistrate.

Extract from the Note file.

Note:

With reference to the High Court's recommendation on p 15 of the draft order above is submitted for approval. In his letter at P. 7 of, the Inspector General of Police, has subsequently stated that the special court to be sanctioned for the trial of case in Cr.No.59/53 may also be empowered to try the case against Albert Petro (Mulki Station Cr.No.120/50). This letter has been referred to the High Court for remarks. Pending the receipt of the High Court's remarks in this regard, orders may be issued sanctioning the Government for a period of three months to try the case in Cr.No. 5953. Orders empowering the same Court to try Mulki Station Cr.No.120/50 may be issued separately after the High Court's remarks are received.

The draft order on pp 1-2-~~xxx~~ above may be sent to Finance for acceptance.

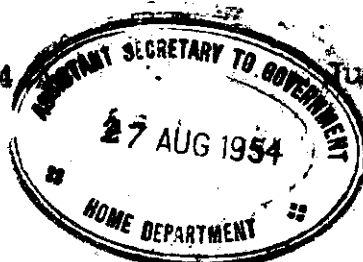
(True Copy).

K. Mathan
Superintendent

MNR. 20.8.

23.8.

Ref.c.No.302/54



Judl.Dt. Magistrate's Office
South Kanara, Mangalore,
Dated.23.8.54.

From

To

Sri.P. Herbert Sundaram, B.A.B.L.,
Judicial Dt. Magistrate,
South Kanara.

The Registrar,
High Court,
Madras.

Sir,

COURTS: Criminal - South Kanara District - special
II Class Court for the trial of the case in Crime
No.59/53 of Mangalore North Station - appointment
of a special A.P.P.II - report.

Ref: G.O.Ms.No.2365 Home dated.7.8.54.

Roc.No.5183/54.E2. dated.13.7.54 from the High
Court, Madras.

Proceedings S.No.114/54 dt.20.8.54 of the High
Court, Madras.

...

It is seen from the copy of the letter R.C.No.2158/CI/54
dated.15.3.54 of the Inspector General of Police, Madras enclosed
to your letter cited 2nd above, that the sanction of a special
Assistant Public Prosecutor II had also been recommended.
But no orders regarding the sanction of the Asst.Public
Prosecutor II have been received though the court was sanctioned
in G.O. cited first above.

This district is already short of one Asst.Public
Prosecutor II and the other Asst.Public Prosecutors may not be
able to attend to the work in the Special. II class Magistrate's
court referred to above. I therefore request that the appoint-
ment of a special Assistant Public Prosecutor II may also be
got sanctioned.

Home(52)

Submitted for perusal. The file on the
subject referred to in the c.f. has been
sent to his Dept. This may be added to it
on its receipt.

Yours faithfully

P. H. Sundaram

Judl.Dt. Magistrate,
P.T.O.

2/9/54

u.9.54

✓

25.8.54

25.8.54

Copy to Mr. Secretary to Govt.
(Hon. Dept.) Madras.
Copy to Mr. Collector of S. K.

put in section
M/ 829.

Home (CS P) 17

Co Ms no 27/16 dated 8-9-54.

Public Service, Operating Staff
South Kanara Dt. Case
relating to Cr. No 59/53
of Mangalore North Police Station.
Conduct of prosecution -

One temporary A. P. P. made and
one peon - Sanctioned -

Read: Co Ms No 2365 Home
dated 7-8-1954

ORDER.

The Govt. sanction the
employment in South Kanara
Dt for a period of ^{three} ~~two~~ months ^{from the date of appointment} ~~for till the need ceases~~
whichever is earlier, of a
temporary ~~addl.~~ ^{addl.} A. P. P. made and
and a peon to work under
him in connection with
the conduct of prosecution
in the case relating to Cr. No
59/53 of Mangalore North
Police Station before the
judicial Sub Magistrate
sanctioned in Co Ms no
2365 Home d 7-8-54

2. One expenditure should

p.c.f.

Cp note at p 2 & 4.

p.c.f.

be debited to "27. Administration
of Justice - h. criminal Courts
voted."

24.8.54
24/8/54

15/8/54

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The Board of Rev Madras.
to the High Court Madras
copy to the Collector of South Kanara

the A.C. Madras this
for Depo.

S/F. out?
ic

GOVERNMENT OF MADRAS.

121299

ABSTRACT.

14/9.

COURTS - Criminal - South Kanara District - Crim No.120/50 of the Milky Station - Trial of the case - Orders passed.

HOME DEPARTMENT.

G.O.Rt.No. 2802.

Dated 31st August, 1954.
Read the following:

G.O.No.2865, Home, Dated 7th August, 1954. *pyg*
From the High Court, Rec.No.5183/54 E2 dated 25-8-54. *(2)*

ORDER:

The Government direct that the trial of Crim No.120/50 of the Milky Station also be entrusted to the Special Second Class Magistrate sanctioned in the G.O. read above.

(By order of the Governor of Madras)

J. Subbaramayya,
Deputy Secretary to Government.

To the Registrar, High Court, Madras.
To the Inspector General of Police, Madras. (with reference to his Rec.No.5148 C1/54 dated 31-7-54) (with enclosure)
To the District Magistrate (Judicial) South Kanara through the High Court.
To the Accountant General, Madras through Finance.
Copy to Courts I. (with enclosures)
To the Board of Revenue.

True copy/Forwarded/By order.

TSS.4.9.

[Signature]
SUPERINTENDENT.
[Signature]

Copy of letter R.O.C.No.5183/54 E2 dated 2-8-1954 from the Registrar, High Court, Madras, to the Secretary to Government, Home Department, Fort St.George, Madras, (with enclosures)

Sub: Courts - Criminal - South Kanara District - Trial of Crime No. 59/53 of the Mangalore North Station - Appointment of a Special Second Class Magistrate and staff at Mangalore - Proposals - Recommended.

Ref: 1. Letter Ref.C.No.4442/54-1 Dated 26-6-54 from the Board of Revenue, Madras.
2. High Court's R.O.C.No.5183/54 E2 dated 4-7-54 to the Government.
3. Home Department's Endorsement No.83152 Cts.II/54-2 dated 8-7-54.

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I am to forward a copy of letter L.Dis.C.No.22/54 dated 20-7-1954 from the District Magistrate (judicial) South Kanara on the subject cited and to state that the Honourable the Judges recommend the proposal of the District Magistrate contained therein. The extra cost involved in this proposal will be met from the appropriation under "27.h.Criminal Courts".

Copy of letter L.Dis.C.No.22/54 dated 20-7-1954 from the District Magistrate (Judicial) South Kanara to the Registrar, High Court, Madras.

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Sub: Courts - Criminal - South Kanara District - Crime No.59/53 of Mangalore North Station - Trial of the case - Appoint of a Special II Class Magistrate - Report submitted.

Ref: R.O.C.No.5183/54 E2 dated 13-7-1954.

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The charge in this case is one under section 120B read with sections 409 and 109 I.P.C. and such cases are generally complicated ones. Moreover there are about 83 P.Ws. and there may be about 200 exhibits to be filled on behalf of the prosecution. The case relates to the jurisdiction of the Sub Magistrate (Judicial) Mangalore, whose file is sufficiently heavy at present. He cannot without detriment to the trial of other cases in his court, attend to this case. Further this case is one in which day to day enquiry will be the most suitable arrangement since there are a number of witnesses and exhibits.

2. ~~Thus~~ I therefore think that it is a highly expedient to have a separate court to try this case. I agree with the District Superintendent of Police, South Kanara that a Special II ~~xx~~ Class Magistrate sitting at Mangalore may be appointed to try this case.

3. The following staff may be required for the special Magistrate's Court, apart from a Special Assistant Public Prosecutor II, for a period of about 3 months.

- (a) One Sub Magistrate (Judl) on a scale of Rs.200-10-300.
- (b) One lower division clerk on a scale of Rs.45-3-60-2-90.
- (c) One attender on a scale of Rs.24-1-32-1A-35.
- (d) Two peons on a scale of Rs.18-1-25.

4. The Special staff may be sanctioned for three months or until the ~~necessity~~ necessity ceases, whichever is earlier.

5. The Special Court may be ordered to be held in the Court hall of the Tahsildar of Mangalore Taluk and a room in Assistant Public Prosecutor's (I) Office may be made available for the staff of the special magistrate.

P.9.0.

m 8/8. App.
Cm A. n. n. n. n. n.
in C. n. n.
No 27/6/54
75/54

Copy of letter R.O.C.No.5183/54 E2 dated 25th August, 1954, from the Registrar, High Court, Madras, to the Secretary to Government, Home Department, Fort St.George Madras (with enclosures)

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Sub: Criminal Justice - Crime No.59/53 of the Mangalore North Station and Crime No.120/50 of the Mulky Station - Trial of the cases.

Ref: Letter Reference No.83152 Courts II/54-3 dated 3-7-54 from the Home Department.

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With reference to the Home Department's letter stated above, I am to forward a copy of letter L.Dis.352/54 dated 11-8-54 from the District Magistrate (Judicial) South Kanara and to state that the Honourable the Judges agree with the District Magistrate that the trial of Crime No.120/50 of the Mulky Station may also be entrusted to the Special Second Class Magistrate sanctioned in G.O.Ms.No.2365 (Home) dated 7-8-54 and that no special court is necessary for the trial of this case alone.

Copy of letter L.Dis.352/54-A dated 11-8-1954 from the District Magistrate (Judicial) South Kanara.

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Sub: CRIMINAL JUSTICE - Mangalore North Station Cr.No.59/53 of Mulky Station Cr.No.120/53 - Sec.120 B - appointment of a special Magistrate for the trial of the case - report - submitted.

Ref: Your Roc.No.5183/54 E2 dated 6-8-54.

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The case in Cr.No.120/53 of Mulky Station against the hostile approver is now in the file of the Sub Magistrate, Buntwal and he is now proceeding with the enquiry into the case. He has also been permitted to hold his court at Mangalore for two days in a week, to examine the witnesses coming from distant places and the enquiry will be complete within a period of about a month or six weeks.

2. As regards the other case in Cr.No.59/53 of Mangalore North Station, I have, in this court reference L.Dis.22/54 dated 20-7-54 I already recommended the sanction of an additional Sub Magistrate to try the case and the same has been recommended by the High Court to the Government for sanction. If this special Court is sanctioned the same Magistrate will be asked to hold the enquiry in the first case referred to above. Thus there is no need to sanction a special court to try the approver's case in question.

/True copy/

TSS.4.9.


SUPERINTENDENT.



Home (Coulb 2/25)

Memorandum No 121299 dt 2 / Su-1 d 28/9/54

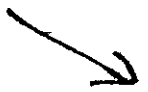
Public Services, Prosecuting Staff -
South Kanara Dt - Crime No 120/50
of the Mulky station - Conduct of
prosecution of the case.

pp 17-18 of (Q)

Ref: Cw No 2716 Home d 8.9.54

The Collector of South Kanara
is requested to direct the Addl.
Asst. Public Prosecutor sanctioned
in the C.O. cited above to conduct

Und



The
prosecution of the case relating
to Cr. No ~~59/8~~ 120/50 of Mulky Station
also which has been entrusted to the
judicial Sub Magistrate sanctioned in
No MS No 2365 Home d 7/8/54

B8
29/9/54
M
21/8/54

B3
1/8/54

Page ②
To
The collector of
South Kanara

Home (CS?)

Crro 112 014/54

Public Service - Prosecuting Staff -
South Kanara Dt - Case relating
to Cr. No 59/53 of Mangalore North
Police Station - Conduct of prosecution -
One temporary A. P. O. CrP - Sanction of -

f1 f

Joined as Cr No 115 No 2365 Home d 7/8/54

M at p 11 of

The file deals with the
recommendation of the High Court
for the employment of one A. P. O. CrP
for a period of three months from
the date of appointment or till the
need ceases, whichever is earlier,
in connection with the conduct of
prosecution in the case relating to
Cr. No 59/53 of Mangalore North Police
Station.

p 1 of

2. In Cr No 115 No 2365 Home
dated 7-8-1954, the Court sanctioned
the employment of one judicial
Sub Magistrate together with a staff
for a period of three months for
the trial of the case referred to
in para 1 above. It is reported that
day to day enquiry will be conducted
since there are number of witnesses
and exhibits.

at p 13 of

19/11

In view of the fact a s/o. Court
has been ^{sanctioned} ~~constituted~~ for conducting day

Nov 12 01 4/7

ST

12/1

to day trial of the case, a S.M. A. P. O.
 is necessary for the conduct of prosecution
 of the case. So one post of A. P. O. creation
 may be sanctioned for a period of three
 months as in the case of the court.
 As each A. P. O. is entitled to one person,
 a person may also be sanctioned, one
 subject extra cost involved in the proposal
 is Rs 711/- for three months.

p 1 c.f.

25/11/54

Subject to orders a draft order is subd.
 for approval. Finance may see before issue.

24/11/54
 M
 24/11/54

23/11/54

Fin

Home no 112014 CS I
 25/11/54

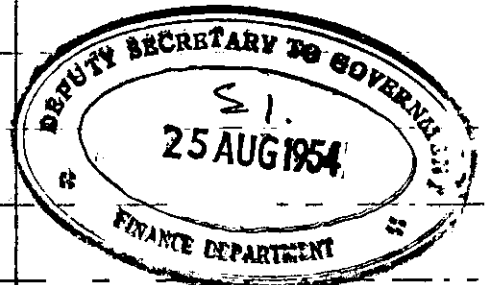
Finance (L.D.)

The draft-order below may be accepted.

80710

3/12/54
 29/54

6/12/54 Home



Home (CS I)

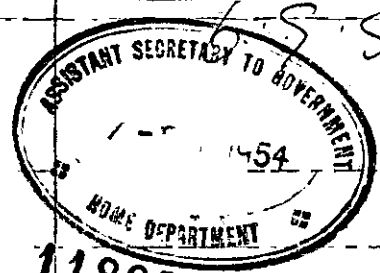
The draft order below may now
 issue.

80710/E1/54-1

01/12/54 M
 8/12/54

8/12/54

8/12/54



118850

C37/9

Domestic as no Re no 2716 Home pp 12-189
 d 8/12/54

CN 0121299/54

Public Services. Prosecuting staff -
South Kanara Dt. - Crime No 120/50
of the Mulky station - Conduct of
prosecution of the case -

p 14.

As Pt No 2602 Home d 31.8.54.

pp 12-109 g.c.

In As Ms No 2716 Home d
8.9.1954 the Govt. sanctioned
the employment in South Kanara
Dt for a period of three months
of a temporary Addl. A.P.P. under II
to conduct prosecution of the case
relating to Cr. No. 59/5-3 of Mangalore
North Police Station before the
judicial Sub Magistrate, sanctioned
in As Ms No 2365 Home d 7.8.1954.
The Govt. have since directed that
the trial of Cr. No 120/50 of Mulky
Station should also be entrusted
to the Sub. Magistrate referred to at x
above. Hence the Addl. Asst. P.P.
may also be directed to conduct
the prosecution of this case also.
Subject to order a draft memo
is submitted for approval. After
issue it may be added to
the As at (Q)

p 14 of (Q)
p 14

X

11/9/54

11/9/54

Issued as memo No 121299/54
dated 1/5/54